



U.S. Department of Justice

*United States Attorney
Northern District of New York*

James T. Foley U.S. Courthouse

*445 Broadway, Room 218
Albany, New York 12207-2924
(518) 431-0247*

July 26, 2009

Hon. David R. Homer
U.S. Magistrate Judge
James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207

Re: *United States v. Eric Canori & Melissa Giove*
Docket No. 09-M-259

Dear Judge Homer:

Per the previous Order of this Court, the preliminary hearing in this matter has been continued until July 30, 2009.¹ I have represented to the attorneys representing Mr. Canori and Ms. Giove that the government anticipates presenting this case to a grand jury prior to the date and time of the scheduled preliminary hearing. The parties have agreed that time and resources should not be expended preparing for a preliminary hearing that may not take place. However, in the event that an indictment is not filed prior to the afternoon of July 30, 2009, the parties ask for a one-week continuance in the date of the preliminary hearing should an indictment not be filed on July 30, 2009.

Thank you for your consideration.

Very truly yours,

ANDREW T. BAXTER
United States Attorney

By: /s/ Richard D. Belliss
Richard D. Belliss
Assistant U.S. Attorney

¹ The undersigned makes the assumption that any preliminary hearing scheduled for July 30, 2009 would be held in the afternoon in accordance with the Court's normal scheduling of events.

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2009, I electronically filed the foregoing letter request with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

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/s/ Richard D. Belliss
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